



SENATE NATURAL RESOURCES
SENATE NO. 4
DATE 2-22-13
BILL NO. SB 345

F.H. STOLTZE LAND & LUMBER COMPANY

Lumber Manufacturers

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February 22, 2013



Senate Natural Resources Committee
Chairman Chas Vincent
Montana Senate
PO Box 200500
Helena, MT 59620-0500

RE: SB 345: An Act Revising Laws Related To Liability For Forest Or Range Fires; Establishing A Limitation On Real And Personal Property Damages For Forest Or Range Fires Caused By Negligent Or Unintentional Acts Or Omissions

Chairman Vincent and Members of the Committee,

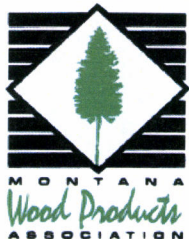
Please accept the following comments in support of SB 345 on behalf of F.H. Stoltze Land & Lumber Company. Stoltze is the oldest family owned sawmill and timberland company in Montana and just recently celebrated our 100 year anniversary. We own and sustainably manage 38,000 acres of forestland in northwestern Montana.

As a landowner, logging contractor and purchaser of state, federal, and private timber, we take the issue of liability for our actions very seriously. With our partners, including our contractors and the DNRC, we work diligently to prevent and control fires on our own lands and those that may be associated with our activities. That being said, wild fire is unpredictable and even under the strictest precaution, under certain weather and fuel conditions the possibility of wildfire spread exists.

When we heard about the Moonlight fire situation in California, we were struck first and foremost by the irony of the Federal Government pursuing damage claims against private landowners. As many examples show, if the tables were turned, the private parties would have little or no recourse against the Federal Government. Secondly, the astronomical claim of damages by the Federal Government was astounding. Claiming nearly 8 times the pre-fire value of the land and the variety of intrinsic values that they conveniently seem to overlook and ignore in their own forest management activities, indicated an almost vengeful nature to the prosecution.



Member Since 1966



Charter Member

The federal district court judge's determination that the private parties could very well be held liable under California State law and that the damages claimed could be awarded, regardless of the cause of the fire, heightened our concern. It seems unthinkable that this same scenario could take place in Montana, yet the stage has been set with the California precedent and similarities in Montana State Statute indicate it very well could take place here.

We feel SB 345 strikes an equitable balance between the need for landowners to be able to recover damages to their property from a wildfire, while providing limitations and reasonableness to the extent of damages claimed. This bill is not intended to remove liability or provide protection for those acting in a malicious or intentionally harmful manner. It is simply intended to establish reasonable limits to the real damages incurred.

It may be informational to know that similar legislation has been passed in Idaho, Oregon and after the Moonlight Fire incident, California to address the potential for the Federal Government and others seeking outrageous settlements against private landowners in wildfire situations.

SB 345 is a solution that works to protect Montana landowners, loggers and forest products industries from outrageous prosecution by the federal government or others. We encourage your support of SB 345 and thank our Montana legislators for their efforts in quickly recognizing a problem and working to craft a solution.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul R. McKenzie", with a stylized flourish at the end.

Paul R. McKenzie C.F.
Lands & Resource Manager